

Minister of  
Fisheries and Oceans



Ministre des  
Pêches et des Océans

Ottawa, Canada K1A 0E6

JAN 21 2013

Ms. Michelle Paon  
President  
Nova Scotian Institute of Science  
< [michelle.paon@dal.ca](mailto:michelle.paon@dal.ca) >

Dear Ms. Paon:

This is in response to your correspondence of June 14, 2012, addressed to the Right Honourable Stephen Harper, Prime Minister, regarding Bill C-38. Your email was forwarded to me for my consideration as Minister of Fisheries and Oceans, and I welcome the opportunity to address those points regarding Bill C-38 as they relate to the changes to the *Fisheries Act*. I regret the delay in responding.

As you may be aware, the amendments included in Bill C-38 received Royal Assent on June 29, 2012. While certain amendments to the *Fisheries Act* came into force immediately, the majority of those changes will not come into force until a date to be fixed by order of the Governor in Council.

Changes to the *Fisheries Act* will focus Fisheries and Oceans Canada (DFO) on protecting Canada's fisheries. These changes will focus the regulatory regime on managing threats to the sustainability and ongoing productivity of Canada's commercial, recreational and Aboriginal fisheries; provide clarity, certainty and consistency of regulatory requirements through the use of standards and regulations; and enable enhanced partnerships with agencies and organizations that are best placed to provide fisheries protection services to Canadians.

We are clarifying the rules to protect Canada's fisheries from real threats. This includes regulating direct impacts to fish, permanent changes to, and destruction of, fish habitat, and managing threats caused by aquatic invasive species. Regulatory efforts will be directed to those impacts on fish that are part of or support commercial, recreational and Aboriginal fisheries.

You have raised concerns that the amendments no longer protect fish habitat. However, Section 35, which will provide for the management of threats, refers specifically to managing works, undertakings or activities that cause serious harm to fish that are part of or support these fisheries. Serious harm is defined as the death of fish or any permanent alteration to, or destruction of, fish habitat.

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The amendments also include a number of provisions that will enable enhanced compliance and protection of fish that support commercial, recreational and Aboriginal fisheries by:

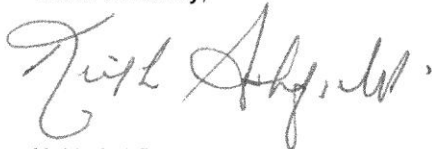
- Aligning the *Fisheries Act* with the *Environmental Enforcement Act* (increased fines and penalties for offences);
- Improving the enforceability of conditions to Ministerial authorizations;
- Providing for the designation of ecologically significant areas for fish;
- Increasing inspector powers to provide them with additional authorities; and
- Providing new authorities to allow the Department to effectively address threats such as aquatic invasive species.

The amendments also include tools to facilitate regulatory streamlining, to increase efficiency, and to help provide clarity and certainty for stakeholders and departmental officials.

The changes will also enable DFO to enhance partnerships with others who are well-placed to provide fisheries protection services to Canadians, recognizing that this is a shared role among multiple parties. The amendments provide the ability for the Department to enter into agreements with professional organizations to provide guidance to proponents on how to meet *Fisheries Act* requirements, to develop fisheries protection best practices or to monitor compliance. Other government departments or provinces could, under specified conditions, be provided the authority, through regulations, to issue authorizations under the *Fisheries Act*.

Thank you for taking the time to write.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Keith Ashfield". The signature is written in a cursive, flowing style.

Keith Ashfield